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May 3, 2004

Renee Salzmnn, Esq.
Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 5379 (Heriberto Valdes)

Dear Ms. Salzmnn:

On behalf of Respondent Heriberto Valdes, I am hereby providing you with an amended statement of Mr. Valdes. With the exception of the first phrase of paragraph three, the attached statement is identical to the statement dated September 18, 2003 submitted by Mr. Valdes in response to the complaint filed by Peter Deutsch for Senate. Thus, paragraph three had stated, "During the early weeks of March 2003," but has now been corrected to state, "During the early weeks of 2003." Mr. Valdes will provide a signed statement as soon as practicable.

Please do not hesitate to call me with any questions.

Sincerely,



Kirk L. Jowers

Enclosure

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL
2005 MAY -3 P 4:27

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**STATEMENT OF
HERIBERTO VALDES**

1. My name is Bert Valdes. I am providing this statement in response to the complaint filed in MUR 5379.

2. I currently serve as Vice President of CAC CarePlus Medical Centers ("CarePlus"). I have worked in this capacity for the past year.

3. During the early weeks of 2003, Michael Fernandez, President and Chief Executive Officer of CarePlus, mentioned to me in the course of a general conversation that he understood that Miami-Dade County Mayor Alex Penelas would enter the race for the U.S. Senate, and, in that case, he would like to support him. Mr. Fernandez has known Mayor Penelas for quite some time and believes that he has been a very effective mayor and a force for good for Miami.

4. I too am impressed with Mayor Penelas. He has shown leadership and insight on a broad range of issues, including events important to CarePlus and the community. For example, when United Healthcare closed the CAC centers, many seniors were uncertain and fearful about whom would provide for their healthcare needs, and many of our current employees (temporarily) lost their jobs. Mayor Penelas worked diligently to find a solution. Today, through Mayor Penelas's and Mr. Fernandez's leadership and efforts, the CAC centers are open and successfully serving the healthcare needs of our community and providing jobs to its citizens.

5. Mr. Fernandez and Mayor Penelas are also working together to find and provide alternative healthcare solutions to the uninsured indigent population in our community so that the heavy burden of their care, which now falls squarely on Jackson Memorial Health systems, can be reduced.

6. Because of my favorable impression of Mayor Penelas, I was interested in personally assisting his U.S. Senate campaign. I decided to ask people I knew if they too would be interested in volunteering, if and when Mayor Penelas declared his candidacy.

7. In a subsequent meeting with the administrators from our ten medical centers, I asked whether any of them would be interested in supporting Mayor Penelas's candidacy. Many of the center administrators voiced their enthusiastic support and volunteered to ask their acquaintances, including some of the employees in their respective centers, for campaign volunteers and contributions.

8. Near the end of the meeting, one administrator, Jesus Vidueira—formerly Administrator of Westland Center and currently Executive Director of a CarePlus affiliated company PrescribIT Rx—asked me to provide him with some written talking points about Mayor Penelas that he could use when soliciting people.

9. We had discussed many things that night, including why Penelas had been an excellent mayor and would make a great Senator. The administrators worried that they might forget some key specific points without the email, so I promised to put something together and email it to Mr. Vidueira. I confirmed that he was free to send it to any other interested administrators.

10. Around midnight on Sunday, March 23, I drafted an email from my home computer and sent it to Mr. Vidueira so he would have it the next morning.

11. To be clear -- I sent one email to one individual administrator, at his request. I understand that he forwarded the email, or some version of it, to four other administrators. I do not know whether these four administrators forwarded it or some version of it to anyone else. I did not instruct anyone to forward the email and did not anticipate it being any sort of general solicitation.

12. I have been unable to locate my original email, but have reviewed the document attached to the Complaint that Ryan Hampton, Finance Director for Peter Deutsch for Senate ("Hampton email") purports to be "a copy of the original email text," which I believe differs from my original email. I believe the version of the email submitted to the Commission has been altered since I sent it.

13. I remember making the following points in my email to Mr. Vidueira. First, I encouraged him to approach physicians, large vendors, and executive level staff. The language in the Hampton email states that these individuals will be "expected to donate." My point was that he could discuss this opportunity to help Mayor Penelas with whomever he pleased, but that individuals with sufficient means—such as those groups listed above—would be the most likely to be able to contribute. There was no "expectation" that these persons would contribute in the sense of a requirement.

14. Second, I noted that Mr. Fernandez needed their help. I had not discussed, much less cleared, this email with Mr. Fernandez, but I knew that he was a strong supporter of Mayor Penelas, was planning on hosting a fundraiser, and would appreciate others who also supported Mayor Penelas. I also knew that many of our contacts would have a high regard for Mr. Fernandez and therefore would be more likely to make a contribution if they understood that he personally was committed to assisting Mayor Penelas.

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15. Third, I asked them to contribute \$1,000 and noted that the maximum campaign contribution was \$2,000. I also noted that they should keep track of all individuals who contributed so that Mr. Fernandez could thank them personally for their support. I did not ask that non-contributors be tracked.

16. Finally, I listed Ed Rubio as the contact person—because he also supported Mayor Penelas and was willing to join the effort of soliciting contributions and looking for Penelas supporters.

17. Ultimately, a version of my email was evidently passed on to a Miami Herald newspaper reporter, Jim DeFede. My first contact with Mr. DeFede came a few days after I had sent the email. I was traveling when I received a call from the corporate office informing me that a reporter wanted to talk me. Mr. DeFede was transferred through to me and in a very pleasant voice said that he was writing an article about Mayor Penelas and was curious how "our drive" was going.

18. I told him I was not sure what "drive" he was referring to and he replied that he had a copy of a letter that I had sent to "all" of the company's employees. I corrected him on two counts. First, I told him that I communicate with employees via email. Second, I noted that I had not sent out an email to all employees, but rather I had sent a single email to one senior executive administrator.

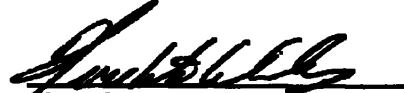
19. Mr. DeFede's tone changed immediately as he began firing off questions, insinuating that I had tried to coerce all of the employees to contribute. I told him that he could not be further from the truth because everyone in the company knew that any requests for contributions by other employees were strictly voluntary and done on a personal basis. I also reiterated that most employees probably had no idea that I was trying to raise money for Mayor Penelas.

20. On March 30, 2003, Mr. DeFede's article was published in the Miami Herald. This article apparently formed the basis for the FEC complaint filed by Peter Deutsch for Senate against the Penelas campaign.

21. The article was factually incorrect and horribly misleading, as explained above. To reemphasize, the article states that "Valdes sent an e-mail to all 'physicians and executive level staff.'" False. I sent the email to one senior executive administrator, at his request. I did not apply pressure for him, or anyone else, to contribute.

22. I am not an active participant in the federal political process. I regret having sent an email that caused concern and misunderstanding, but also believe that the Hampton email sent to the Commission differs from my own. Regardless, however, I believe that Mayor Penelas would make a great U.S.

Senator and in my own personal capacity, I was pleased to contribute to his campaign in connection with Mr. Fernandez's May 8, 2003 fundraiser.


Signed

5/5/04
Dated

Sworn and subscribed to
before me this 5th day of
May, 2004.

Elizabeth Ricard



Elizabeth Ricard
MY COMMISSION # CC993544 EXPIRES
March 2, 2005
BONDED THRU TROY FARM INSURANCE, INC.

Notary Public

My Commission expires: 3/2/05.